

REFERENCE TITLE: drop houses; forgery; human smuggling

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## **HB 2149**

Introduced by  
Representatives Cinema, Lujan, Meyer, Reagan, Senator Paton:  
Representatives Barto, Campbell CH, Farley, Kavanagh, Waters

### AN ACT

AMENDING SECTIONS 13-2002 AND 13-2319, ARIZONA REVISED STATUTES; RELATING TO HUMAN SMUGGLING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 13-2002, Arizona Revised Statutes, is amended to  
3 read:

4           13-2002. Forgery: classification

- 5       A. A person commits forgery if, with intent to defraud, the person:  
6           1. Falsely makes, completes or alters a written instrument; or  
7           2. Knowingly possesses a forged instrument; or  
8           3. Offers or presents, whether accepted or not, a forged instrument or  
9 one that contains false information.

10      B. The possession of five or more forged instruments may give rise to  
11 an inference that the instruments are possessed with an intent to defraud.

12      C. Forgery is a class 4 felony, EXCEPT THAT IF THE FORGED INSTRUMENT  
13 IS USED IN CONNECTION WITH THE PURCHASE, LEASE OR RENTING OF A DWELLING THAT  
14 IS USED AS A DROP HOUSE, IT IS A CLASS 3 FELONY. FOR THE PURPOSES OF THIS  
15 SUBSECTION, "DROP HOUSE" MEANS PROPERTY THAT IS USED TO FACILITATE SMUGGLING  
16 PURSUANT TO SECTION 13-2319.

17      Sec. 2. Section 13-2319, Arizona Revised Statutes, is amended to read:

18           13-2319. Smuggling: classification; definitions

19       A. It is unlawful for a person to intentionally engage in the  
20 smuggling of human beings for profit or commercial purpose.

21       B. A violation of this section is a class ~~4~~ 3 felony.

22       C. Notwithstanding subsection B, a violation of this section is a  
23 class 2 felony if the human being WHO IS smuggled is under eighteen years of  
24 age and IS not accompanied by a family member over ~~the age of~~ eighteen YEARS  
25 OF AGE. Chapter 10 of this title does not apply to a violation of this  
26 subsection.

27       D. For the purposes of this section:

28           1. "Family member" means the person's parent, grandparent, sibling or  
29 any other person WHO IS related to the person by consanguinity or affinity to  
30 the second degree.

31           2. "PROPERTY, REAL PROPERTY OR SERVICES THAT FACILITATE THE  
32 TRANSPORTATION" INCLUDES TRAVEL ARRANGEMENT SERVICES, MONEY TRANSMISSION  
33 SERVICES, COMMUNICATION SERVICES AND THE SELLING, LEASING, RENTING OR  
34 OTHERWISE SUPPLYING OF REAL PROPERTY OR MOTOR VEHICLES THAT ARE USED OR  
35 INTENDED TO BE USED TO FACILITATE THE TRANSPORTATION.

36           ~~2.~~ 3. "Smuggling of human beings" means the transportation,  
37 procurement of transportation or use of property, ~~or~~ real property OR  
38 SERVICES THAT FACILITATE THE TRANSPORTATION by a person or an entity that  
39 knows or has reason to know that the person or persons transported or to be  
40 transported are not United States citizens, permanent resident aliens or  
41 persons otherwise lawfully in this state.